

MEMO ENDORSED

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: SEP 13 2012

September 12, 2012

Electronic Mail to NathanNYSDCchambers@nysd.uscourts.gov

Honorable Alison J. Nathan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: TufAmerica, Inc. v. Diamond, et al., 12cv3529 (AJN) - Adjournment Request

Dear Judge Nathan,

I am counsel for plaintiff TufAmerica, Inc., and write in connection with the Initial Pretrial Conference presently scheduled for September 21, 2012, at 11:30 p.m., and the date for filing a proposed case management plan is September 12, 2012. The purpose of this letter is to request an adjournment of this conference date and the deadline for the filing of the case management plan. There have been two previous requests made for an adjournment of this conference. Since the last request, plaintiff has served defendant Universal-Polygram International Publishing, Inc. (incorrectly named as Universal Music Publishing, Inc.) and defendant Capitol Records, LLC, and we are in the process of negotiating an accepted service of two of the individual defendants (Mr. Yauch having passed away shortly after this suit was filed).

So that we can have all parties who will be involved in the case participating in the preparation of the case management plan and participate at the Initial Conference, we respectfully request that the conference be adjourned to a date in mid-October that is convenient for the Court; in particular (and as required by Your Honor's Individual Practices), after consulting with counsel for the defendants, we propose a date during the week of October 22, 2012. (I am presently scheduled to be on trial before Judge Forrest the week of October 1).

Please contact me with any questions concerning the enclosed.


Respectfully yours,

/Kelly D. Talcott/

Kelly D. Talcott

c: all counsel

SO ORDERED: 9/13/12



HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

SO ORDERED.

Conference is reset to 10/20/12 at 2:15 PM.

Case management plan now due 10/17/12.